



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Anthony Delfino,
Fire Officer 1 (PM1099V),
Jersey City

CSC Docket No. 2019-2339

Examination Appeal

ISSUED: June 13, 2019 (RE)

Anthony Delfino appeals his score for the oral portion of the promotional examination for Fire Officer 1 (PM1099V), Jersey City. It is noted that the appellant passed the subject examination with a final score of 81.580 and his name appears as the 70th ranked eligible on the subject list.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Officer 1 examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

structure and condition (arriving). Knowledge of supervision was measured by questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving scenario, a five-minute preparation period was given, and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, firefighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

Candidates were rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. For each of the scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 4 for the technical component, a 4 for the supervision component, and a 4 for the oral communication component. For the arriving scenario, the appellant scored a 3 for the technical component, a 5 for the supervision component, and a 4 for the oral communication component. The appellant challenges his score for the technical component of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The arriving scenario involved a train/pedestrian collision. For the technical component, the assessor indicated that the appellant failed to ensure that all rail service is shut down on the line/use flaggers, which was a mandatory response to question 2. Lastly, he indicated that the appellant missed the opportunity to consult or coordinate with available railway personnel to establish a passenger count, which was another response for question 2. The assessor used the "flex" rule to assign a score of 3. On appeal, the appellant stated that he called the railroad conductor to shut down power to the railroad.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory

response. The flex rule was designed to allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. All mandatory responses must be given in order for a performance to be acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or from 3 to 5.

A review of the presentation indicates that the appellant stated, "I will ah call for the conductor of the railroad to shut power down um, to the railroad if it's overwire hanger ah wires." For this response, the appellant received credit for ensuring the engines are turned off. A conductor is a train crew member responsible for operational and safety duties that do not involve actual operation of the train, but he works on the train. As this was a formal examination setting, candidates were required to articulate their knowledge in a way that was unambiguous. The appellant's response was not specific to *all* rail service rather than to just the involved train, or that there were flaggers, so the train, passengers, and fire personnel were not hit by an oncoming train. The appellant missed this action, and the additional action noted by the assessor, and his score of 3 for this component will not be changed.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



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